

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 STEPHANIE M. STOKMAN  
4 JAMES R. CONOLLY  
5 Assistant United States Attorneys  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

6 JARED ENGELKING  
7 Trial Attorney, U.S. Department of Justice  
Violent Crime & Racketeering Section  
1301 New York Avenue, N.W., Suite 700  
8 Washington, DC 20005  
Telephone: (202) 514-3594

9  
10 Attorneys for Plaintiff  
United States of America

11 IN THE UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 CASE NO. 1:20-CR-00238 JLT SKO

16 Plaintiff,

17 STIPULATION AND JOINT REQUEST FOR  
18 PROTECTIVE ORDER; PROTECTIVE ORDER

v.

19 BASH, ET AL.,

Defendant.

21 **STIPULATION**

22 1. Plaintiff United States of America, by and through its undersigned attorneys of record,  
23 and defendants Justin Gray, Brandon Bannick, Kenneth Johnson, Francis Clement, Evan Perkins, Jayson  
24 Weaver, and Waylon Pitchford, by and through their respective undersigned attorneys of record  
25 (“Defense Counsel”), for the reasons set forth below, hereby stipulate, agree, and jointly request that the  
26 Court enter a Protective Order in this case restricting the use and dissemination of certain materials  
27 related to the grand jury that the Court has ordered to be produced.

1       2. On September 6, 2024, the Court ordered that certain grand jury materials be produced to  
2 the defense. ECF No. 1289 at 2 (the “Discovery Order”). By the Discovery Order, the Court granted in  
3 part, and denied in part, defendant Justin Gray’s Motion for Disclosure of Grand Jury Schedule,  
4 Instructions, and Materials, in which six other defendants joined. ECF Nos. 1122 (Gray), 1132  
5 (Bannick), 1135 (Johnson), 1138 (Clement), 1141 (Perkins), 1209 (Weaver), and 1282 (Pitchford).

6       3. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of  
7 Criminal Procedure, Local Rule 141.1, and its general supervisory authority.

8       4. The Court’s Discovery Order made clear that all names and identifying information  
9 contained in the grand jury records was to be redacted before production. ECF No. 1289, at 2.

10      5. On September 9, 2024, Chief United States District Judge Kimberly J. Mueller issued an  
11 Administrative Order granting Gray’s separate Motion for Release, Inspection, and Copying of Grand  
12 Jury Selection Records. ECF No. 1125 (Motion); ECF No. 1290 (Administrative Order). That order  
13 contained provisions for the protection of the grand jury material it ordered to be produced to the  
14 defense. ECF No. 1290, at 10–11.

15      6. The parties here seek a protective order extending those same, or similar, protections to  
16 the grand jury material to be disclosed per the Court’s Discovery Order. The parties therefore request  
17 that the Court order the following additional limitations for any grand jury materials produced in  
18 compliance with the Discovery Order:

- 19       • The materials may be used only in connection with the preparation or litigation of a motion  
20 challenging issues arising from the ministerial and procedural grand jury records the Court  
21 has ordered to be produced. The materials may not be used in connection with any other  
22 case. Nor may they be used for jury selection, at trial or for any other purpose in this case.
- 23       • The materials may be used only by counsel or standby counsel, their legal staff, and their  
24 retained experts. Defendants shall not review or possess the materials at any time without  
25 the court’s prior approval on a detailed showing of good cause. Nor may the materials be  
26 carried into or reviewed in any detention facility or the permanent or temporary residence or  
27 business of any defendant without this court’s prior approval on a detailed showing of good  
28 cause.

- Under 28 U.S.C. § 1867(f), the materials may not be disclosed, shown or distributed in any manner to any third party. “Any person who discloses the contents of any record or paper in violation of” § 1867(f), and, by extension, of this order, “may be fined not more than \$1,000 or imprisoned not more than one year, or both.” *Id.* Violations of this order may also result in sanctions or a finding of contempt.
- Any attorney who accesses the materials is personally responsible not only for personally complying with this order, but also for the attorney’s client’s compliance with this order and for compliance by any expert, contractor, or member of the attorney’s staff.
- At the commencement of jury selection, unless modified by order of the Court, all materials disclosed in response to this order either (a) must be returned to the court, or (b) all counsel, staff and experts must certify in a written notice filed on the docket of this action that the materials have been destroyed and no materials have been retained in any duplicative form.
- If any disclosed materials are later determined to disclose personal identifying information, the party making this determination must immediately notify the court in a written notice filed on the docket of this action. Anyone who has received that material must immediately return, destroy or delete the materials in question and file a written certification of compliance on the docket of this action.

PHILLIP A. TALBERT  
United States Attorney

Dated: September 24, 2024

By: /s/ James R. Conolly  
JAMES R. CONOLLY  
Assistant United States Attorney

Dated: September 24, 2024

By: /s/ TIMOTHY FOLEY  
TIMOTHY FOLEY  
JAMES S. THOMSON  
Counsel for Defendant  
JUSTIN GRAY

Dated: September 24, 2024

By: /s/ AMY E. JACKS  
AMY E. JACKS  
IVETTE A. MANINGO  
Counsel for Defendant  
BRANDON BANNICK

*[Signatures continue on following page.]*

1 Dated: September 24, 2024

2 By: /s/ ANDREA L. LUEM  
3 ANDREA L. LUEM  
4 RYAN VILLA  
5 Counsel for Defendant  
6 KENNETH JOHNSON

7 Dated: September 24, 2024

8 By: /s/ JEAN D. BARRETT  
9 JEAN D. BARRETT  
10 JANE BYRIALSEN  
11 Counsel for Defendant  
12 FRANCIS CLEMENT

13 Dated: September 24, 2024

14 By: /s/ THERESA DUNCAN  
15 THERESA DUNCAN  
16 CRISTINA BORDE  
17 Counsel for Defendant  
18 EVAN PERKINS

19 Dated: September 24, 2024

20 By: /s/ RANDY SUE POLLOCK  
21 RANDY SUE POLLOCK  
22 Counsel for Defendant  
23 JAYSON WEAVER

24 Dated: September 24, 2024

25 By: /s/ EDWARD J. RYMSZA  
26 EDWARD J. RYMSZA  
27 OLIVER LOEWY  
28 Counsel for Defendant  
WAYLON PITCHFORD

**ORDER**

IT IS SO ORDERED.

Dated: September 26, 2024

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE